

3. GREER NICK RD II, LLC, ZONING MAP AMENDMENT & GIBSON PARK SUBDIVISION, BLOCK C, ZONING DEVELOPMENT PLAN

Note: The Planning Commission continued this hearing from their August 27, 2015, meeting. Mr. Berkley stated that, since he was not present at that hearing, he would be unable to vote on this item.

- a. MAR 2015-13: GREER NICK RD II, LLC (9/24/15)* - continuation of a zone map amendment from a Single Family Residential (R-1C) zone and a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.12 net (1.47 gross) acres, for property located at 1201 South Broadway, 406 Pyke Road and 408 Pyke Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The petitioner proposes to maintain the existing Thornton's convenience store near Gibson Avenue and to construct a new fast food restaurant with an accessory drive-through facility on the portion of the zone change area near Pyke Road. The proposed rezoning of the Thornton's parcel and the two parcels to the rear of a vacant tract will bring the land between Gibson Avenue and Pyke Road all into the same zoning category.

The Staff Recommends: Approval, for the following reason:

1. A restricted Highway Service Business (B-3) zone is appropriate, and the combined Single-Family Residential (R-1C) and Neighborhood Business (B-1) zoning is inappropriate, for the following reasons:
 - a. The restricted B-3 zone is compatible with the existing zoning along this portion of the South Broadway corridor. The subject site is primarily surrounded by business zoning (B-1, B-3, B-4, & B-6P).
 - b. The proposed rezoning will eliminate a split-zoning condition on the site, which should encourage its redevelopment.
 - c. The existing B-1 zone now has a more restrictive setback not conducive to the type of redevelopment planned or consistent with the character of the corridor, which makes it less appropriate than a restricted B-3 zone.
 - d. The existing R-1C zone is no longer appropriate, because the two lots are already being utilized as a landscape buffer and/or transition area to the adjoining residential neighborhood. Redevelopment of a portion of the site (along Pyke Road) will allow for a more consistent landscape buffer treatment between the neighborhood and the South Broadway corridor.
 - e. The depth of business zoning between Pyke Road and Gibson Avenue will be consistent at approximately 235 feet from the right-of-way of South Broadway.
 - f. The required landscape buffer will provide an appropriate transition between the proposed B-3 zone and the adjacent residential neighborhood.
2. This recommendation is made subject to approval and certification of ZDP 2015-62: Gibson Park Subdivision, Blk. C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted in the following manner, via conditional zoning:

Prohibited Uses

 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Pawnshops.
 - d. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - e. Advertising signs, also known as billboards, as regulated by Article 17.

Landscape Buffering & Lighting Restrictions

- a. A 20-foot wide landscape buffer shall be provided along the northwest site boundary, between the existing residential subdivision and the site. The landscape buffer shall contain a 6-foot privacy fence, shrubs, and a tree every forty (40) feet on center, selected from Group A or B in the Planting Manual.
- b. All outdoor lighting shall be shielded to reduce glare and shall be arranged so as to reflect lights away from all adjacent residences and residential zoning districts. Exterior light poles shall not exceed twenty (20) feet in height and shall not be located within the designated landscape buffer.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property and to provide an adequate land use transition to the nearby neighborhood. Such uses could have a negative impact on the neighborhood related to noise, lighting and/or traffic congestion.

* - Denotes date by which Commission must either approve or disapprove request.

- b. ZDP 2015-62: GIBSON PARK SUBDIVISION, BLK. C (9/24/15)*- located at 1201 S. Broadway & 402, 406 and 408 Pyke Road.
(Vision Engineering)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Dimension existing building and canopy height.
6. Discuss access to South Broadway and removal of apron(s).
7. Discuss notes #10 & #14.
8. Discuss need for landscape buffers adjacent to residential lots.

Development Plan Presentation: Mr. Martin stated that the reason for the continuation of this hearing was the discussion of the proposed vehicular access to South Broadway. At the August zone change hearing, the staff noted for the Commission the location of the proposed access points from Pyke Road and South Broadway, and the cross-access between the restaurant site and existing Thornton's station. The discussion centered on the access points located in the Gibson Avenue/South Broadway intersection, and, to a lesser extent, two of the accesses to Gibson Avenue.

Mr. Martin said that the primary issue on the subject property is the need for fuel trucks to be able to access the existing Thornton's station in order to safely deliver fuel. Following the August meeting, the petitioner met with staff from Planning and the Division of Traffic Engineering. At that meeting, the petitioner demonstrated that the Thornton's station does need those two accesses to South Broadway, in order to prevent trucks from backing out onto the roadway. The petitioner has revised the plan, combining one of the two accesses to South Broadway, in order to provide for cross movement between the restaurant property and the gas station. Mr. Martin said that the staff believes that the petitioner has provided a better solution to address the access and circulation on the property. He noted that this is a preliminary plan; and, should the Thornton's property ever be proposed for redevelopment, the access issues will come back up for discussion.

Commission Questions: Mr. Wilson asked what issues were related to the access points to Gibson Avenue. Mr. Martin answered that the staff was originally concerned that three access points were depicted on the plan, and that they did not appear to be necessary. He noted that, if the property was initially being proposed for development, the access situation would be much better controlled; however, since the configuration is existing, it is more difficult to address the challenges.

Mr. Owens asked if the Division of Traffic Engineering was in agreement with the recommendation on the revised plan. Ms. Kaucher indicated that the staff was in agreement.

Petitioner Representation: Matt Carter, Vision Engineering, was present representing the petitioner. He stated that the petitioner had since met with the staff and the Division of Traffic Engineering, and they had agreed that it would be acceptable to combine two of the proposed accesses to South Broadway into one access. Mr. Carter said that the petitioner was in agreement with the conditions for this plan, and he requested approval.

Citizen Comments: Vicky Batzka, 1080 Duncan Avenue, stated that her concerns about the Pyke Road/South Broadway intersection, which she raised at the August hearing, were even more pressing since the Commission had just approved (early this day) another zone change directly across South Broadway from the subject property.

Ms. Batzka stated that she and her neighbors were still concerned about the amount of traffic that could be generated on Pyke Road by the proposed development, and about the inability to make left turns from Pyke Road onto South Broadway due to poor visibility. She said that the proposed development, as well as the recently approved development across South Broadway, will add two sets of traffic onto that roadway within 100' feet, with no traffic signal at Pyke Road.

Robbie Phillips, 506 Pyke Road, agreed with Ms. Batzka that the intersection of Pyke Road and South Broadway is dangerous. He added that he is also concerned that the proposed development could encourage more cut-through traffic through the adjoining neighborhood to Red Mile Road.

Rich Cowden, 1073 Duncan Avenue, stated that the stop sign at the Pyke Road/South Broadway intersection is set back some distance from the intersection itself, which exacerbates the visibility problems caused by the Gatehouse building. He stated that he was also concerned about the possibility of drivers cutting through the Thornton's property to reach Gibson Avenue, and about additional traffic in the neighborhood.

Mr. Cowden displayed two photographs of the Pyke Road/South Broadway intersection, noting that left turns there are nearly impossible due to heavy traffic volumes and poor visibility.

Commission Question: Mr. Owens asked Ms. Kaucher to address the traffic situation at the Pyke Road/South Broadway intersection. Ms. Kaucher stated, with regard to the sight distance at that intersection, that the building on that corner is

existing. One of the ways the Division of Traffic Engineering recommended to help address the situation was to provide cross-access between the two lots on the subject property in order to allow for additional exit options. Ms. Kaucher said that she believed that providing cross-access could help to discourage drivers from using the residential area as a cut-through from the subject property to the traffic signal at the Gibson Avenue intersection.

Mr. Berkley asked if the restaurant traffic was expected to use the Pyke Road access. Ms. Kaucher responded that drivers exiting that property are more likely to use the South Broadway access, rather than Pyke Road.

Ms. Kaucher clarified that the previously approved zone change across South Broadway does not include any new access points; the proposed development on that site will use the existing access.

Petitioner Rebuttal: Mr. Carter opined that it could be safer to exit the subject property onto Pyke Road or Gibson Avenue, rather than South Broadway. He said that the petitioner is reducing the number of accesses to Pyke Road by one, and is pushing that access back on the lot to allow for stacking at the intersection.

Staff Rebuttal: The staff had no rebuttal comments.

Mr. Owens declared the public hearing closed at this time.

Commission Discussion: Mr. Drake asked if there were a high number of accidents at the Pyke Road/South Broadway intersection. Ms. Kaucher answered that she had not researched that intersection specifically, but noted that it does not appear on the list of most dangerous intersections for the Urban County.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent; Berkley abstained) to approve MAR 2015-13, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent; Berkley abstained) to approve ZDP 2015-62, subject to the seven conditions as listed in the revised staff recommendation.